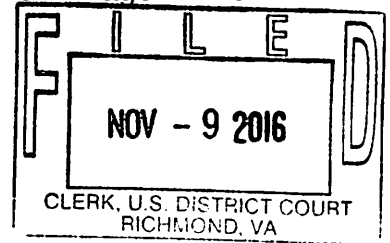


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



RODNEY CONNELL HARVEY,

Plaintiff,

v.

Civil Action No. 3:16CV347

MAJOR HACKETT,

Defendant.

MEMORANDUM OPINION

Rodney Connell Harvey, a Virginia inmate proceeding pro se and in forma pauperis, filed this 42 U.S.C. § 1983 action. In order to state a viable claim under 42 U.S.C. § 1983, a plaintiff must allege that a person acting under color of state law deprived him or her of a constitutional right or of a right conferred by a law of the United States. See Dowe v. Total Action Against Poverty in Roanoke Valley, 145 F.3d 653, 658 (4th Cir. 1998) (citing 42 U.S.C. § 1983). In his current Complaint, Harvey fails to provide the defendant with fair notice of the facts and legal basis upon which his liability rests. Accordingly, by Memorandum Order entered on October 11, 2016, the Court directed Harvey to submit a particularized complaint within fourteen (14) days of the date of entry thereof. The Court warned Harvey that the failure to submit the particularized complaint would result in the dismissal of the action.

More than fourteen (14) days have elapsed since the entry of the October 11, 2016 Memorandum Order. Harvey failed to submit a particularized complaint or otherwise respond to the October 11, 2016 Memorandum Order. Accordingly, the action will be dismissed without prejudice.

The Clerk is directed to send a copy of this Memorandum Opinion to Harvey.

Date: *November 9, 2016*  
Richmond, Virginia

/s/ *REP*

Robert E. Payne  
Senior United States District Judge